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SUMMARY RECORD OF THE 45th MEETING

Chairman:	Mr. KRENKEL	(Austria)
later:	Mr. JALLOW (Vice-Chairman)	(Gambia)

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The meeting was called to order at 10.10 a.m.

AGENDA ITEM 97: HUMAN RIGHTS QUESTIONS (continued)

(a) IMPLEMENTATION OF HUMAN RIGHTS INSTRUMENTS (continued) (A/47/40, 41, 44, 427, 428, 429, 518, 628, 632, 662 and 667)

1. Mr. SHARP (Australia) said that, notwithstanding all the recent dramatic changes in the world, the ideals propounded in the Universal Declaration of Human Rights - freedom of speech and belief for all, with life and personal liberty protected by the rule of law - were far from being realized. The principle of the universal applicability of fundamental human rights and freedoms asserted in the Charter had been given substance through the elaboration of a human rights treaty system, implementation of which was monitored by expert committees. Those committees contributed significantly to the acceptance by Governments of their accountability for taking measures to promote and protect the rights of their citizens. Constructive dialogue had been established through the consideration of States parties' reports, and the question of human rights generally had been viewed with a more open and less confrontational attitude.

2. He welcomed the increase in the number of States parties to human rights treaties, but deplored the fact that the increase had been due, essentially to the increase in the total United Nations membership. He believed that the occasion of the second World Conference on Human Rights to be held in Vienna in 1993 would be an opportune time to emphasize the universal nature of human rights and to set the year 2000 as a target for universal ratification of or accession to the seven main human rights instruments. Australia urged all Member States that had not already done so to ratify, accede or succeed to the major human rights instruments.

3. Another impediment to the universality of the treaty system was the large number of reservations that some States parties had entered to various human rights instruments. At the October meeting of persons chairing the human rights treaty bodies, alarm had been expressed at the number, nature and scope of those reservations. While recognizing that there was a legitimate role for reservations to treaties, the chairpersons had noted that some of the reservations could be incompatible with the object of the treaties in question and had taken note, inter alia, of the view of the Committee on the Elimination of Discrimination against Women in that regard. Australia therefore urged all States parties having substantive reservations to any Convention or Covenant to review those reservations with a view to withdrawing them. He also endorsed the recommendation formulated by the fourth meeting of persons chairing the human rights treaty bodies that the General Assembly should authorize the Commission on Human Rights to study issues of incompatibility arising out of the reservations made to the main human rights instruments.

(Mr. Sharp, Australia)

4. He emphasized the essential role of the bodies created pursuant to international human rights treaties and expressed the view that, in order to ensure the implementation of human rights instruments, those bodies should have sufficient resources at their disposal. Except for the Committee on the Elimination of Racial Discrimination and the Committee against Torture, the work of human rights committees was funded fully from the regular budget. In the view of his delegation, the universal nature of human rights was itself sufficient reason to rectify those two exceptions. In the absence of sufficient resources, implementation of the two Conventions was not assured to the degree that it should be. As Australia had emphasized at the Meeting of States Parties to the Convention on the Elimination of Racial Discrimination in January 1992, implementation of the Convention had been undermined by the financial difficulties experienced by the Committee, which had been forced to cancel almost half of its annual meetings. While meetings of the Committee against Torture had not yet been cancelled, the fact that it was funded fully by contributions from States parties suggested that its future activities were at some risk of not being carried out. Moreover, the more demanding financial provisions of the Convention appeared to have contributed to the slower rate of ratification of or accession to that instrument. The Convention against Torture, adopted in 1984, had only 68 States parties. States parties to both Conventions had decided unanimously to amend them so as to provide for regular-budget funding for their Committees. Australia hoped that, at the current session, the General Assembly would endorse the decisions of the States parties and that the Secretary-General would provide for full regular-budget funding for the two Committees once two thirds of the States parties had given official notification of their agreement to the amendments.

5. Other committees, notably the Committee on the Elimination of Discrimination against Women, the Committee on the Rights of the Child and the Committee on Economic, Social and Cultural Rights faced a backlog in considering reports of States parties. In order to reduce the backlog, the Economic and Social Council had authorized the Committee on Economic, Social and Cultural Rights to hold an additional three-week meeting in 1993. In addition, it had been recommended in October 1992 that the Committee on the Elimination of Discrimination against Women should be given additional time to meet in order to consider the reports that it had received. Lastly, States parties to the Convention on the Rights of the Child had agreed that, in view of the rapid rate of ratification of or accession to the Convention, General Assembly approval should be sought to provide additional meeting time for the Committee on the Rights of the Child.

6. His delegation was aware that Member States were asking the Centre for Human Rights and the Division for the Advancement of Women to undertake additional tasks, often without additional resources. Australia therefore suggested that those proposals should be accommodated from the existing overall budget, by reallocating funds from lower-priority areas already identified by the Secretary-General. In order to make the best possible use of available resources, Australia recommended that the study by the

(Mr. Sharp, Australia)

independent expert on possible long-term approaches to enhancing the effective operation of bodies established under United Nations instruments on human rights should be updated and submitted to the World Conference on Human Rights and also to the next session of the General Assembly and the fiftieth session of the Commission on Human Rights. Lastly, Australia endorsed the recommendation of the fourth meeting of persons chairing the human rights treaty bodies to hold a meeting, in the context of the World Conference, among the chairpersons of the treaty bodies and the chairpersons of the principal regional and other human rights organizations.

7. Mr. Jallow (Gambia), Vice-Chairman, took the Chair.

8. Mr. MOTOC (Romania) said that the issue of the implementation of human rights treaties brought into focus the fundamental principle of legal protection for all. In recent times, Romania had through its efforts to institute a free democratic society demonstrated how committed it was to upholding human rights standards both legally and practically. As in the other new European democracies, a respect for human rights was the standard by which Romanian political life was judged. Internationally, his Government had taken the necessary steps to comply with its obligations under Articles 1 (para. 4), 55 and 56 of the United Nations Charter. Recognizing that the Organization played an essential role in setting standards and monitoring human rights, Romania, already a party to the major instruments adopted within framework of the United Nations, had decided to accede to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment and to the Second Optional Protocol to the International Covenant on Civil and Political Rights.

9. His delegation fully supported the concept advocated in various United Nations human rights bodies that the time had come to strive for improved, expanded monitoring of the implementation of international instruments, and to avoid normative inflation. In keeping with that position, his Government had during the latest reporting period fulfilled its reporting obligations under the International Covenant on Civil and Political Rights and the Convention against Torture. It had not merely enumerated its legislative progress but had also given an account of the overall action it had taken to counter practices and mentalities that were relics of the previous regime, and what it had done to promote respect for the dignity of the person and for human rights values as basic elements of common civilization and morality.

10. His delegation shared the concern expressed by a number of others over the crippling effect of certain reservations to the human rights instruments in general and to humanitarian instruments in particular. For want of a definition in the texts themselves of the kinds of reservations that might be incompatible with the very object of the treaties, it had been necessary to resort to international courts, whose guidelines had at times proved enlightening. However, until criteria were drawn up, Romania appealed to Member States to make a thorough assessment in good faith of the effect the

(Mr. Motoc, Romania)

reservations they were planning to enter might have upon each instrument. On the basis of such considerations, the new Romanian Government had withdrawn the reservations made by the previous regime to a series of human rights instruments.

11. His delegation welcomed the innovative practice of drafting general comments begun by the Human Rights Committee, and especially appreciated the comments on article 27 of the Covenant, which placed the question of national minorities in its natural context, that of human rights. Romania fully shared that point of view and had made an unequivocal commitment to protect the rights and identity of persons belonging to minorities, as evidenced by its 1991 Constitution and its various statements in international bodies. His delegation looked forward to the 1993 World Conference on Human Rights as the occasion for an authoritative pronouncement on that issue.

12. As a country whose Constitution gave precedence to international human rights instruments over domestic laws, Romania saluted the achievements of the human rights treaty bodies, especially their encouragement of the widest possible ratification of the treaties by Member States, their arrangements for dealing with overdue reports by States parties, and their greater reliance on the information and expertise of non-governmental organizations in the field. His delegation nevertheless believed that, despite the impressive number of States reported in the introductory statement as having acceded to the human rights instruments, the concept of human rights was far from being universally recognized in all its complexity.

13. With an eye to its scheduled admission as a full member of the Council of Europe in 1993, Romania, currently in observer status, had undertaken a thorough and detailed review of its legislation with a view to integrating agreed international standards and guidelines and changing mentalities. The Council of Europe and Romania were currently expanding their cooperation, exchanges and assistance in all fields, as evidenced by the informative meeting on the European Convention on Human Rights held in early November in Bucharest. The importance of concluding an association agreement between the European Community and Romania could not be overemphasized, and the active support his country's delegation had brought to the work of the 1992 Helsinki meeting of the Conference on Security and Cooperation in Europe should be noted.

14. Mr. DEKANY (Hungary) said that the notions of freedom and democracy, long of interest to only a handful of government experts and Secretariat officials at the United Nations, were steadily moving back to the forefront of the political scene. The founding fathers of the Organization had made the protection and promotion of human rights one of the priorities of the United Nations Charter. The array of human rights instruments served as a solid basis for efforts to promote international peace and security, and his delegation shared the view of the chairpersons of the human rights treaty bodies that human rights concerns should be fully integrated into the overall

(Mr. Dekany, Hungary)

activities of the Organization. The January 1992 meeting of the Security Council at the level of heads of State and Government, the Secretary-General's "Agenda For Peace" (A/47/277), and the proposals contained in his report on the work of the Organization (A/47/1) were steps in the right direction.

15. The human rights treaty bodies could play an important role in early warning and preventive diplomacy, particularly in cases of massive human rights violations. Expert opinions by members of those bodies and their participation in fact-finding missions could help the Security Council or the Secretary-General to identify possible areas of future conflict. The human rights experts should also become involved in substantive political discussions so that the Council could take full account in its deliberations and in its decisions and resolutions of the obligations of States pursuant to the principal human rights treaties. Recent decisions by some Eastern European States - the requests for fact-finding missions to evaluate the implementation of their human rights treaty obligations, and their establishment of a constructive dialogue aimed at the promotion of national human rights standards - were examples that deserved to be followed. The participation of expert members of the treaty bodies would make such missions more credible and effective in the future.

16. Hungary was pleased to note the significant increase in the number of States acceding to the various human rights instruments. It was concerned, however, that, following the break up of multinational States in Eastern Europe, the human rights treaty obligations originally assumed by those States would continue to be in effect only in certain parts of their former territories. Hungary would urge all newly independent States to make the necessary official notifications to the Secretary-General, as depositary of the human rights treaties, that the treaty provisions would continue to apply to all peoples under their sovereign jurisdiction.

17. The Hungarian delegation concurred with the view of the persons chairing international human rights treaty bodies that measures should be adopted with regard to the number, nature and scope of reservations to human rights treaties and the apparent incompatibility of some reservations with the object and purpose of the said instruments. The assistance provided under the programme of advisory services and technical assistance in the field of human rights of the Centre for Human Rights to States wishing to become parties to human rights instruments should also emphasize that issue. The timely submission of reports by States parties was important for the effective implementation of such treaties. The international human rights treaty bodies should seek other ways of examining situations, especially in cases of flagrant and massive human rights violations. They could request additional reports or information, which would make it possible to establish a constructive dialogue with the State party concerned. The Hungarian delegation also encouraged the practice of several bodies, which had been endorsed by the chairpersons, of considering the situations of States parties whose reports were long overdue. Lastly, the involvement of non-governmental

(Mr. Dekany, Hungary)

organizations in the process of the consideration of State party reports would enhance the informative character of the deliberations.

18. The general comments and recommendations of the international treaty bodies constituted useful guidelines, not only for States parties, but also for the thematic and country rapporteurs, as well as fact-finding missions. The Hungarian delegation deemed particularly relevant the decision of the Human Rights Committee to make a general comment on article 27 of the Covenant. Hungary welcomed the recently published compilation of general comments and recommendations and hoped that arrangements would be made for updating it regularly. His delegation strongly endorsed the proposal to update the report of the Chairman of the Committee on Economic, Social and Cultural Rights and to present it at the World Conference on Human Rights.

19. At the previous session of the General Assembly, efforts had been made to place the two Committees which were not fully financed from the regular budget of the United Nations on a firmer financial footing. The States parties to the International Convention on the Elimination of All Forms of Racial Discrimination and the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment had adopted amendments in that regard to their respective instruments, and the General Assembly had been invited to adopt the necessary financial arrangements to ensure the smooth functioning of those two bodies. Nevertheless, Hungary shared the concern of the chairpersons and, in view of the time required to collect the requisite number of ratifications - approximately two years - requested that States parties comply punctually with their financial obligations and eliminate their arrears so as to avoid the cancellation of meetings. Hungary also urged States parties to speed up the domestic ratification process. Administrative and support services to the international treaty bodies was another problem; it was regrettable that one of the priority areas of activity for the Organization should receive less than 1 per cent of regular budget resources. The restructuring and streamlining of the Secretariat should reflect the primary importance of human rights, both in terms of budgetary allocations and of administrative arrangements. The Hungarian delegation had consistently supported the idea of strengthening the human rights machinery of the United Nations in both the political and the administrative and budgetary areas.

20. Mr. FISENKO (Belarus) said that his country, which attached the greatest importance to human rights questions, shared the views expressed at the Summit Meeting of the Security Council on 31 January 1992 concerning international peace and security, the link between respect for human rights and development, flagrant human rights violations which were the source of many current conflicts, conflict prevention and the strengthening of international cooperation in the humanitarian field, especially with regard to human rights and the rights of national minorities.

(Mr. Fisenko, Belarus)

21. The Belarusian delegation, like other delegations, believed that the systems of obligations deriving from international treaties in the field of the defence and promotion of human rights should be strengthened. While progress had been made in recent years, it was regrettable that the participation of Member States in human rights treaties was still far from universal. Only 67 States were parties to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment and, notwithstanding the fact that 112 and 120 countries, respectively, had acceded to the International Covenant on Civil and Political Rights and the Convention on the Rights of the Child, a considerable number of States Members still had not yet done so. Accession to the basic human rights treaties was only a beginning - a very important one, of course - but it was also necessary to ensure the effective implementation of the norms embodied in those treaties, i.e., by incorporating them into national legislation.

22. As was clear from its Declaration of State sovereignty of August 1990, which had become a Basic Law in August 1991, the Republic of Belarus based its domestic and foreign policy on respect for human rights and fundamental freedoms. Democracy, the rule of law and genuine popular sovereignty were the principles governing the changes designed to establish a new system in the country. The main issues involved were full legal, political and economic autonomy, the achievement of State sovereignty, the end of a one-party monopoly and the establishment of a multiparty system, the transition to a market economy and the affirmation of the new role of the individual in society. All those changes should be reflected in the new constitution currently under consideration in the Parliament, which was based on "de-ideologization", respect for international constitutional practice and, above all, guarantees of the rights, freedoms and duties of citizens. The Parliament was also studying draft legislation relating to national minorities, the legal status of foreign nationals and stateless persons, the rights of the child, freedom of conscience and religious organizations.

23. The Republic of Belarus had further shown its attachment to human rights by declaring, at the time of the founding of the Commonwealth of Independent States, that all States should strictly obey (1) the principles embodied in the Universal Declaration of Human Rights and other internationally recognized treaties, especially with regard to the rights of national minorities, and (2) the principle that all disputes should be settled by exclusively peaceful means. The same principles governed the Belarusian position on the draft statute of the Commonwealth of Independent States, which would place great emphasis on human rights questions and cooperation in that area, for example, through the creation of a special human rights committee.

24. The Supreme Council of Belarus had ratified the Optional Protocol to the International Covenant on Civil and Political Rights and had recognized the competence of the Human Rights Committee in accordance with article 41 of the Covenant. In 1992 the country had become a full member of the Conference on

(Mr. Fisenko, Belarus)

Security and Cooperation in Europe (CSCE), and had signed the Helsinki Final Act and the Charter of Paris for a New Europe.

25. In the course of the year the Human Rights Committee had also considered the third periodic report of Belarus on implementation of the International Covenant on Civil and Political Rights (A/47/40, paras. 519 to 561). The report on the International Covenant on Economic, Social and Cultural Rights was due to be considered shortly. All those examples clearly showed that Belarus was attached to the cause of human rights, unaffected by ideology, and that it would seek to strengthen cooperation with United Nations bodies and other international organizations, and with States.

26. In the same spirit, his delegation supported the efforts made to strengthen the role within the United Nations of the representative organs and those set up under the terms of human rights instruments, and to improve their coordination. It had noted with interest the conclusions of the fourth meeting of persons chairing the human rights treaty bodies (A/47/628), institutionalization of which his delegation welcomed. It endorsed the views expressed regarding timely submission of overdue reports, universalization of the human rights instruments, the financial situation of the treaty bodies (particularly that of the Committee on the Elimination of Racial Discrimination and of the Committee against Torture), secretariat resources, promotion of interaction among the treaty bodies and computerization of their work. Among the conclusions and recommendations (paras. 41 to 88), it attached particular importance to the Security Council's taking account in its resolutions of the obligations of States pursuant to the principal human rights treaties, to the more active role that the treaty bodies would have to play in seeking to prevent human rights violations, and to the need for more effective integration of human rights into the totality of United Nations activities.

27. However, his delegation did not accept that the secretariat resources required to ensure adequate servicing were not available. Consequently, his delegation did not consider it necessary to call upon an independent expert to study the full range of measures that would be required at the secretariat level if servicing was to be provided (para. 50); to constitute an expert group to undertake a comprehensive review of the existing information programme (para. 56); or to authorize the Subcommission on Prevention of Discrimination and Protection of Minorities to prepare an analytical study of the reservations that had been entered to the principal treaties (para. 62).

28. At the current session his delegation would submit a draft resolution on the Convention on the Prevention and Punishment of the Crime of Genocide. While reserving the right to speak again in the debate on human rights, it hoped that the exchange of views in the Third Committee would make possible a new approach to the important and complex problems linked to respect of those rights, aimed at resolving them.

29. Mr. RATA (New Zealand) said that all States Members of the United Nations had pledged themselves to promote universal respect for human rights and fundamental freedoms, and that those standards had been set forth in a comprehensive body of international instruments. The special session of the Commission on Human Rights early that year, devoted to the situation in the former Yugoslavia, had provided new evidence of the importance of giving effect to those standards, even when circumstances were difficult.

30. The number of States that had ratified the human rights instruments had increased appreciably, underlining the growing importance of those instruments and, more generally, of the role of the United Nations in the area of human rights. Currently, 164 States were parties to one or more of the instruments, although, needless to say, universal adherence remained the goal.

31. In recent weeks, New Zealand had presented to the Committee against Torture its initial report on the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, and had lodged with the Secretariat in Vienna its second periodic report on the Convention on the Elimination of All Forms of Discrimination against Women. It had continued to participate actively in the work of the Working Group on Indigenous Populations, which had been entrusted with the task of drafting a declaration on the rights of indigenous peoples that would represent an important contribution to the International Year for the World's Indigenous People. The visit to New Zealand by the Chairperson of the Working Group at the beginning of the year, at a time when the Government had been consulting the relevant agencies and the Maoris about the draft declaration, would certainly have helped to advance that process.

32. In addition, New Zealand had participated in the meeting, held in Vienna, of the inter-sessional working group of the Commission on the Status of Women, which had produced a draft Declaration on the Elimination of Violence against Women. More recently, it had attended the discussions of the Commission on Human Rights working group on a draft optional protocol to the Convention against Torture.

33. As the work of the United Nations on standard-setting was almost complete, it should now focus on implementation of the human rights instruments and ensure that universal ratification of those instruments should be a priority for the 1990s. In that regard, the treaty bodies, whose membership encompassed all regional groups and independent experts, would play a crucial role. His delegation thus unreservedly supported the holding of regular two-yearly meetings of their chairpersons, and was devoting the most careful attention to the recommendations made at their most recent meeting. In particular, it supported the proposal to transform the group of chairpersons into a special advisory body for the World Conference on Human Rights. It considered that the question of adequate funding of the Centre for Human Rights and of the treaty bodies was also a priority issue (in that connection, the Third Committee was to consider the amendments to the International Convention on the Elimination of All Forms of Racial

(Mr. Rata, New Zealand)

Discrimination and the Convention against Torture). His delegation endorsed the need to ensure an adequate flow of information to the treaty bodies, in particular where past reports by States parties and reports under other treaties were concerned. Furthermore, the Manual on Human Rights Reporting should be made available to all States parties. Lastly, training courses on preparation of reports should be held, on a regional basis, since direct contact between human rights experts and the officials responsible for implementation of the various treaties was of great value.

34. In the months ahead, the watchwords should be "strengthening" and "streamlining". His Government hoped that, with careful preparation, the World Conference on Human Rights would result in a consensus to advance the promotion and protection of human rights in concrete ways.

35. Mr. HUSSEIN (Iraq), briefly summarizing the history of human rights since the adoption of the Charter of the United Nations and the Universal Declaration, said that during the cold war each camp had used the concept of human rights to defend its own interests at the expense of those of the third world. After the collapse of the socialist camp, the principles of human rights had been used to serve a single ideology, that of the victor, with no regard to the possible consequences for others. The recent dramatic changes in the world situation should not question the link between civil and political rights on the one hand and economic, social and cultural rights on the other. That position was confirmed by General Assembly resolution 46/117 and by the report of the Special Rapporteur on the realization of economic, social and cultural rights (E/CN.4/Sub.2/1992/16), which considered international cooperation for exercising human rights both a right and a duty. Referring to those documents and to article 11 of the International Covenant on Economic, Social and Cultural Rights, he said that, in the case of his country, the sanctions provided for in Chapter VII of the Charter should not infringe on the fundamental economic, social and cultural rights of the citizens of the countries sanctioned and that the special commissions of independent experts should make sure that their decisions and recommendations were not influenced by political considerations.

36. Turning to the situation in his country, he said that, despite the individuality of the Iraqi people and its attachment to its national and territorial unity, Iraq was a party to almost all of the international instruments and, in particular, to the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights. As a consequence of the embargo, 93,866 people, including 88,902 children under five years of age, had died since August 1990. Citing a long list of staple commodities that the sanctions committee had refused to approve, ranging from heating equipment for hospitals and replacement parts for water purification plants to antimalarial medicines, he wondered whether the efforts of the Commissions were not an instance of veritable planned genocide and said that the human rights instruments which the United Nations was supposed to respect were being compromised by a resolution against Iraq. Other countries might find themselves in the same situation in the future.

(Mr. Hussein, Iraq)

37. In conclusion, he said that the Third Committee and the United Nations in general should assume their humanitarian responsibilities by requesting the lifting of the embargo, for which there was no longer any legal justification, in accordance with the principles of the Charter concerning the peaceful settlement of disputes. He wondered what the sense was of applying the preventive diplomacy advocated by the Secretary-General if it was to be geographically selective. The situation in Iraq was a test both for the international community and for the principles it defended and endeavoured to implement.

38. Mr. KASOULIDES (Cyprus) was pleased to note that States were continuing to ratify or accede to the international human rights instruments. The Organization should now turn its attention to ensuring rigorous implementation of those instruments.

39. The Cypriot Constitution contained provisions concerning the protection of human rights. However, it was impossible to apply them to the entire country because of the foreign occupation. The United Nations should focus its attention on the parts of the world where human rights principles could not be implemented. Similarly, it should enhance the operation of the human rights treaty bodies by providing them with adequate resources. His delegation was convinced that the cost of the operation of all those bodies should be funded under the regular budget of the United Nations.

40. Cyprus, which had ratified or acceded to the principal international human rights instruments, was pleased to announce that it had ratified the First Optional Protocol to the International Covenant on Civil and Political Rights and had initiated the ratification process for the Second. Furthermore, it had abolished the death penalty except for certain military offences. In addition, legislation had recently been enacted exempting conscientious objectors from military service.

41. The Human Rights Committee had made significant progress in the implementation of human rights standards. The Committee's recent work had demonstrated that the exercise of economic, social and cultural rights was inseparable from the exercise of civil and political rights. The States parties had recently amended the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment and had requested full funding of the associated activities under the regular budget of the United Nations. More funds should be allocated to the Centre for Human Rights to allow it to cope with its increased workload and with the numerous requests of the Commission on Human Rights and the General Assembly. In its report (A/47/40), the Human Rights Committee had requested the Secretary-General to take the necessary steps to ensure a substantial increase in the specialized staff assigned to it.

42. Cyprus had welcomed the adoption at the forty-sixth session of the General Assembly of the Convention on the Rights of the Child and had been one

(Mr. Kasoulides, Cyprus)

of the first countries to ratify it. All types of child exploitation should be universally condemned and brought to the attention of the newly established Committee on the Rights of the Child. He was certain that the General Assembly would adopt the recommendations authorizing the Committee to hold at least two regular sessions a year and to establish a working group to conduct a preliminary review of the reports of the States parties.

43. Religious freedom, which had always been one of the constants of Cypriot society, was enshrined in its Constitution, which guaranteed the equality of all religions under the law. For generations, the island's two communities, the Greek Cypriots (80 per cent of the population) and the Turkish Cypriots (18 per cent of the population) had lived in harmony, with mutual respect and religious tolerance. He hoped that a negotiated solution to the tragedy of Cyprus would be found through the good offices of the Secretary-General and that that tragedy would stand as an example to other peoples faced with religious intolerance.

44. In the view of the Government of Cyprus, the World Conference on Human Rights would make it possible to examine and assess progress made in that field, study ways of strengthening the implementation of existing standards and establish new relationships among States.

45. The current international situation called for implementing and strengthening the international human rights instruments, for which purpose it was necessary to establish mechanisms and effective implementation procedures.

46. Mr. TROTTIER (Canada) said that, since 1948, many human rights instruments had been drafted and ratified, including the International Covenant on Civil and Political Rights, the International Covenant on Economic, Social and Cultural Rights, the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment and the Convention on the Rights of the Child. In accordance with resolution 41/120, priority should be given to implementing existing standards. To that end, Canada urged as many States as possible to ratify the human rights instruments, and to review the reservations they had made with respect to the existing conventions and to withdraw them if possible.

47. His delegation attached great importance to effective monitoring by the responsible treaty bodies of compliance with standards. In that connection, it wished to make a few comments on three suggestions formulated at the fourth meeting of persons chairing the human rights treaty bodies.

48. Firstly, Canada welcomed the endorsement of the funding initiatives of the States parties to the Convention against Torture and the International Convention on the Elimination of All Forms of Racial Discrimination. The United Nations bore a responsibility for ensuring that the mechanisms developed were effective and that adequate resources were allocated to the relevant bodies. The costs of attendance for members of the Committee on the

(Mr. Trottier, Canada)

Elimination of Racial Discrimination and all the costs of the Committee against Torture were borne by the States parties to the respective instruments. Some of those States having been in arrears on their assessments for up to 10 years, the Canadian delegation had proposed a resolution requesting the Secretary-General to take the necessary steps to enable those bodies to be funded from the regular budget.

49. Secondly, Canada fully agreed with the chairpersons' suggestion that treaty bodies should not only respond to human rights violations but also prevent them. For many years it had taken the lead in introducing a Third Committee resolution to establish a link between mass exoduses and human rights violations and focus on the development of an effective early-warning system, as envisaged by the Secretary-General in his report "An Agenda for Peace". The Department of Humanitarian Affairs should serve as a focal point for such a system.

50. Thirdly, Canada was particularly interested in the Secretary-General's proposal aimed at authorizing him to bring information and recommendations concerning serious human rights situations to the attention of the Security Council. Canada hoped that the Secretary-General would follow up such recommendations and report thereon to the Third Committee at its next session. It also hoped that the independent expert would submit a report on possible long-term approaches to enhancing the effective operation of the treaty bodies.

51. He noted that work on standard-setting was nearly complete and looked forward to the adoption at the current session of the declarations on the protection of all persons from enforced disappearance and on the rights of persons belonging to national or ethnic, religious and linguistic minorities. Two other instruments yet to be completed were the draft declaration on the rights of indigenous peoples and the draft declaration on violence against women. With regard to the former, Canada hoped that the Working Group on Indigenous Populations would be able to transmit the text of the declaration to the Sub-Commission in 1993, the International Year for the World's Indigenous People. That year would mark the beginning of a new partnership between indigenous and non-indigenous people throughout the world. With regard to the declaration on violence against women, Canada commended the work accomplished so far and urged the Commission on the Status of Women to submit the text of the declaration to the Economic and Social Council at its next session. Finally, Canada pledged its full cooperation for the World Conference on Human Rights to be held in Vienna in 1993.

52. Mr. KAUPPILA (Finland), speaking on behalf of Denmark, Iceland, Norway, Sweden and his own country, said that the authority and prestige of the United Nations were more important than ever. Although the Charter required respect for human rights, those rights continued, however, to be violated not only in the developing countries but also in Europe, especially the former Yugoslavia. Among the most important international human rights standards

(Mr. Kauppila, Finland)

were those contained in articles 1 (3), 55 and 56 of the Charter, the Universal Declaration of Human Rights and the International Covenants. In 1992, a large number of States had ratified one or other of those instruments, although fewer than 70 Member States had accepted the procedure for individual complaints contained in the Optional Protocol. States not yet parties to those instruments were strongly urged to ratify or accede to them. Similarly, many States had made reservations when ratifying human rights instruments. Since some of those reservations could be regarded as contradictory to the object and purpose of the instruments in question (especially the Convention on the Rights of the Child and the Convention on the Elimination of All Forms of Discrimination against Women), the States concerned should withdraw them as soon as possible. The Nordic countries attached great importance to the Second Optional Protocol to the International Covenant on Civil and Political Rights and hoped that all Member States would ratify it as soon as possible. A mere commitment to comply with international human rights instruments was not enough, however, and effective national implementation must be ensured through the adoption of the necessary legislation.

53. The tasks of the Treaty bodies should be expanded to enable them, in cooperation with other United Nations bodies, to examine the current situation and new challenges. The establishment by the Security Council of a new ad hoc body to study the situation pertaining to international humanitarian law indicated the direction in which the United Nations was heading. With regard to implementation of the international human rights instruments, the dialogue between States parties and treaty bodies, through reporting by States parties, effectively promoted the purposes of those instruments, provided that extended delays in the submission of those reports, or non-submission, were not tolerated. The Nordic countries were convinced that the gender perspective should be integrated into United Nations human rights work. The Committee on the Elimination of Discrimination against Women had a very important role to play in that context.

54. On the subject of the draft declaration of the rights of persons belonging to national or ethnic, religious and linguistic minorities, article 27 of the International Covenant on Civil and Political Rights contained an important provision on that question. The system of individual communications should enable the Human Rights Committee to consider the way in which that article was applied. In that regard, the Nordic countries strongly favoured the adoption of the draft declaration at the current session of the General Assembly. They also supported the adoption of a draft declaration on the protection of all persons from enforced disappearance and the drafting of a declaration on the protection of human rights workers.

55. The accession of many States to the Covenants had increased the workload of the United Nations Centre for Human Rights and, especially, of the Human Rights Committee. To ensure the continued effective functioning of the Centre, it required sufficient resources, including staff and computer equipment. At the same time, it should carry out a critical assessment of its

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current work and, if need be, take the necessary action to improve the situation. The Nordic countries also supported the conclusions and recommendations contained in the report of the fourth meeting of persons chairing the human rights treaty bodies aimed at ensuring more efficient implementation of those instruments. The operating expenses of those bodies should be covered by the Organization's regular budget, and he strongly urged the General Assembly, at its current session, to implement the recommendations accordingly.

56. Finally, the World Conference on Human Rights to be held in Vienna in 1993 would provide the opportunity to measure progress made by the international community in the field of human rights. The Nordic countries were actively participating in the preparations for that Conference and would do their utmost to promote full respect for human rights and fundamental freedoms.

The meeting rose at 12.05 p.m.